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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/625,018

09/15/2000

Alfred C. Nichols

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03/12/2007

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EXAMINER

SEAMAN, D MARGARET M

ART UNIT

PAPER NUMBER

1625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Reissue Applications

This application was filed 7/20/2000 and is a reissue of US Patent 5783700 (application 08/887627, filed 7/2/1997). RCE papers were filed 1/30/2007. Claims 1-42 have been canceled and claims 43-56 are before the Examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 43-56 remain rejected under 35 U.S.C. 102(e) as being anticipated by Tabakoff (US Patent 6962930). As previously stated, Tabakoff teaches and claims a method of making compounds of formula (I)

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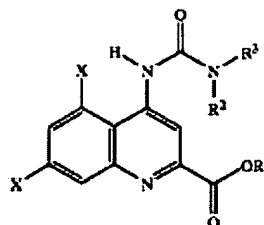
6. A method of preparing a compound of claim 1 comprising the steps of:

- a) reacting 3,5-dichloroaniline and dimethyl acetylenedicarboxylate to form dimethylanilino fumarate;
- b) cyclizing the dimethylanilino fumarate with diphenyl ether to form 4(1H)-quinolone-2-carboxylate;
- c) aminating the 4(1H)-quinolone-2-carboxylate with chlorosulphonyl isocyanate in acetonitrile to form a 4-aminated derivative thereof; and
- d) acylating the 4-aminated derivative with diphenyl carbamoyl chloride to form (N,N-diphenyl)-4-ureido-5,7-dichloro-2-carboxy-quinoline methyl ester.

7. The method of claim 6 further including the step of:

- e) hydrolyzing the (N,N-diphenyl)-4-ureido-5,7-dichloro-2-carboxy-quinoline methyl ester to (N,N-diphenyl)-4-ureido-5,7-dichloro-2-carboxy-quinoline.

A compound having the formula (I):



which anticipate the

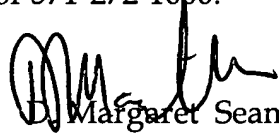
instant claims.

Applicant argues that the instant step (d) is a two-step process while the prior art of record (Tabakoff) has the equivalent step as a one step process. Further applicant supplies a rule 131 affidavit to show that the instant invention was made before the prior art's invention. However, the affidavit provides showing for only the process of making one specific compound from specific reactants. The instant claims are drawn to a markush process. The affidavit does not provide showing for the full range of the instantly claimed markush process. Further, the instant claims are drawn to a process "comprising" and not "consisting essentially of". This leaves the interpretation of a one step or two step process open. The rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Margaret Seaman whose telephone number is 571-272-0694. The examiner can normally be reached on 730am-4pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas McKenzie can be reached on 571-272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


D. Margaret Seaman
Primary Examiner
Art Unit 1625

dms